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Assortment Paper Prints, new stries. White Ground Prints. Elack and White Prints, French Muslins, Beary Rive Devine, plain and striped. Else and White Striped Ticking. Brown Collant, asserted qualities, Sine Cottons, White Cottons,

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Intermediary Court of the Island

of Oahu. W. H. SPONE W. F. ALLEN, Odictor Omeral of

On appeal from the Police Court of Henolulu, to Mr. Justice Junn, of the Sapreme Court, sitting at Chambers.

This is an action for money had and received, for one-half of a fine imposed by the Police Court of Honolulu for smuggling opium, and for one half of the proceeds of said opium. It is admitted that the fine and proceeds of the opium are in the hands of the defendant as Collector General, that the plaintiff has, as by law required, presented his sworn claim to the defendant for one-half of said fine and of said proceeds, which claim was disallowed in part; that plaintiff has appealed to the Minister of Finance, who sustained the Collector General's decision; and that thereupon the plaintiff brought his action in the Police Court. The Attorney General appeared for the Collector and plead to the jurisdiction of the Police Court, which plea being sustained, the plaintiff appealed to a Justice of the Supreme gest, Stat. C. Court at Chambers, under the act of July 13th, 1874.

A. S. Hartwell for plaintiff; the Attorney General for defendant.

sel has interposed a preliminary objection to my jurisdiction, sitting in place of the tribute the same, without delay, according in which the Prince of Wales lodged Circuit Judge for the Island of Oahu, con- to law," &c. Act of Congress, 2d March, while staying with us. The Stor gives tending that under the Code and the Act | 1799, Sec. 89. Courts on points of law can only be made to the Supreme Court in Banco. I am of Vide Brewster vs. Gelson, 11 Johns., 390; appeal on points of law to a Circuit Judge vs. Steele, 3 Wash. C. C., 464. tice of the Supreme Court at Chambers, United States in this, that it says that the on the Island of Oahu.

On the plea to the jurisdiction: the revenue laws shall be paid over to the words as giving him no more judicial auducting costs of Court.

ing a claim for a share of any such for- and distribute" the shares of the fines ing, gambling, and keeping houses of feiture, fine or penalty, shall state the and forieitures. same in writing under oath, to the Collecpenalty is imposed, otherwise he shall forfeit his claim."

Section 675 reads: "The Collector General shall pay over their shares to the sev- gether refuse to entertain the claim of an we will not trouble you, as it is not our eral claimants, according to their legal informer, or disallow it in toto, what rem- province nor intention to preach morals to rights, of which he shall be the judge, edy would the informer have? A man- our fashionables, - Washington Sentinel. subject to an appeal to the Minister of damus from the Supreme Court would not Finance, within ten days after the rendi- lie, for the Court could not set directly tion of the Collector's decision."

this right to informers for certain shares matters is not purely ministerial, but it is of times and forfeitures is conferred by to a great extent judicial, and in all such statute, the statute which prescribes that the Collector General shall pay these shares to the claimants according to their Paulding, 10 Peters, 497; Brashear vs. FROM LIVERPOOL, legal rights, of which he shall be the judge, Mason, 6 Howard, 92. confers in such matters a special and exclusire jurisdiction upon the Collector Gene- for an appeal from the Minister of Fi-

This case is an important one, and raises, for the first time in this country, the question whether the jurisdiction thus conferred upon the Collector General Minister of Finance. ousts the jurisdiction of the established courts. The amount involved in this case Legislature intended to give the Collector is no criterion of its importance.

What is the right of an informer to a share of a fine? It has uniformly been his court adequate for the entorcement of held to be a legal right. "Whenever a these rights, for the law gives the Colle statute gives a right it means a legal right, tor no power to summon parties, to sub-Empty Patroleun Sarrels for Tallow Containers, and the law impliedly gives an appropri- pseus or swear witnesses, or to punish for ate remedy." 1 Chitty's Pr., 26.

It is always a matter of importance to the subject that he know what his legal unwilling witness before the Collector. rights are, and what tribunal will enforce his remedies for them.

It is true that the statute creates the right is inchoate at the time of the seizure, but it becomes a vested right upon receipt of the fine or forfeiture by the Collector. In Jones vs. Shore's Executor, 1 Wheat-

on, 482, where a seizure had been made, but, pending the suit for condemnation, Justice of the Supreme Court, sitting as the Collector and Surveyor had died, the Supreme Court of the United States held that the personal representatives of the deceased Gollector and Surveyor, and not their successors in office were entitled to cers of the district where the forfeiture is to be made, viz: occurred.

See also United States vs. Morris, 10 Wh., 246, for the position that the right water, 2,000 frames, 1878. of custom-house officers to shares of penalties becomes absolute and fixed, not at of exone, 2,000 franca, 1875; condemnation but only upon receipt of Firstion of atmospheric oxygen, either the money by the Collector, and that the 2,000 frames, 1876. right was liable to be defeated by remission of the forfeiture by the Secretary of acid, absolutely free from arsenic, 3,600

a fine or forfeiture, being a legal right, the The right of an informer to a share of right of action upon it accrues upon the withholding of this share by the Collec- france, 1874.

Section 893 of the Civil Code and the amendment, gives the Police Court jurisdiction "over all (civil) cases where the amount of property in dispute shall not arts, 1,000 france, 1874. extend to all come of law and equity aris- ble for lead pencils, 3,000 france, 1877. ing under the Constitution and any law of this Kingdom," &c. Sec. 819 Civil Code. diamond, 3,099 france, 1871.

The case of Brewer vs. Chase, 3 Haw., 32, settles the law applicable to construction of such statutes as these. It is there decided; "It is a general rule, where the facture, 6,000 francs, 1878. common law prevails, that a statute remedy is merely cumulative, unless the com- francs, 1874. mon law remedy is expressly or impliedly repealed."

"But if a statute conters a right and an adequate means of enforcing it, the statnte remedy is exclusive, and if the enforcing tribunal is specified, that alone can be resorted to." I also derive this principle 1876. from the case, that another tribunal provided for by the statute has merely conpress words, or words from which it may be implied, that it was intended to be ex-

"When a statute gives a remedy in the affirmative, without a negative, expressed or implied, for a matter which was actionedy is considered as cumulative." Chitty's silkworm disease, and on wine; and one

"So if a statute gives a remedy in the affirmative (without a negative expressed or implied) for a matter which was actionable by the common law, the party may article giving a minute description of John The various United States revenue stat-

scribing who shall distribute the shares to United States, and cost \$90,000. Mr. informers: "The Secretary of the Treas Morrissey's Saratoga club house is noth-BY THE COURT: The defendant's coun- is entitled to such share," &c.

of 1874, appeals from Police or District | These statutes have never been held to oust the courts of their jurisdiction.

in the other judicial circuits, and to a jus- But our statute differs from those of the Collector General shall be the judge of the legal rights of the claimants. The statute least it will be very hard to tell where Section 671 of the Civil Code prescribes does not say that he is to be the only that fines and forfeitures for violation of judge of these rights. I regard these Collector General of Customs after de thority than the similar words in the Unit to play poker. As our police authorities ted States statutes; for a Collector in the have been kind enough to be very severe, Section 672, prescribes how these shall United States would have to be a judge of the legal rights of the claimants in or-Section 674 reads: "Every person have der to ascertain to whom "he shall pay

prostitution, we take pleasure in directing attention to the existing law for their I am not convinced that the words "of tor General, within twenty days from the which he shall be the judge" are "negabenefit. For we declare openly that, if it is the intention of the authorities to deny date of the scirare, or from the time the tive words expressedly or impliedly us our innocent pleasures, they shall no creating an exclusive jurisdiction" in the practice without punishment their vices. Collector General,

If the Collector General should altoupon the Collector and control his judg The Attorney General contends that as ment and discretion. His function in such cases the execution of the duty is not compellable by mandamus. Decatur vs.

The statute itself makes no provision nance to a jury or to the Supreme Court in Banco, and if the jurisdiction of the Collector General is exclusive, a claimant has no remedy beyond an appeal to the

Even if I should be satisfied that the General exclusive jurisdiction over claims of these informers, they certainly have not given him sufficient power to make contempt, &c. A claimant might fail entirely of securing his legal rights by his inability to secure the attendance of an

In deciding that the jurisdiction of the Police Court is concurrent with that of the Collector General in such cases, I also hold that, before a claimant can resort to right to a share of the fine, but that stat- the Courts, he must pursue the statute ute in terms calls it a "legal right." This strictly and exhaust his remedy under it. Heuderbourek vs. Langton, 10 B. and C.

547; Shaw vs. Grinnell, 9 Blatchford 471. Plea to the jurisdiction overruled and case remanded to the Police Court of Honotulu for trial. A. FRANCIS JUDD,

French Prizes.

Circuit Judge of Oahu.

Honolulu, March 23d, 1874.

The following prines are announced as that portion of the penalty which was by offered by the Societte d'Encouragement, law to be divided among the revenue off. in Paris, with the year in which the award

Best commercial process for the manu facture of oxygen gas, 2,000 frames 1874. Industrial application of oxygenated Economical production and application

Manufacture, from pyrites, of sulphuric

francs, 1875. Industrial employment of any abundant Utilization of waste products, 1,000

Useful application of any of the newly discovered metals, 1,060 francs, 1876. New applications of the non-metallic WESTON'S PATENT CENTRIFUGALS! elements, 1,000 francs, 1876. Discovery of a new alloy, useful in the

succeed \$200." "The judicial power shall Artificial production of graphite, suits-Artificial preparation of a compact black

The Courts of this Kingdom, then, have transmutation capable of yielding useful Discovery of processes of chemical jurisdiction in cases brought to recover organic products, such as quinine, came Private seems such a warrant. Informers' chares of fines and forfeitures, sugar, etc., 4,000 france, etc.

Artificial preparation of the fatty acids, or of matters allied to wax, 4,000 francs,

A theory of steel, based on reliable experiments, and capable of being applied directly to the improvement of its manu-

Disinfection of gas residues, 3,000

Disinfection and prompt clarification of sewage, 1,000 francs, 1875. Ink not attacking metallic pens, 1,000

francs, 1875, Extraction in France of the iodine contained in South American sodium nitrate, and in mineral phosphates, 1,000 francs,

Industrial process for the manufacture of cast steel ratis from common ore, concurrent jurisdiction, unless there be ex- taining 0.5 to 1.5 per cent. of phosphoric acid, 3,000 francs, 1876. Establishment in France of a plant for

the complete treatment of nickel minerals,

and the preparation of pure nickel, 1,000 francs, 1876. The recent awards of the society were one of 12,000 francs to M. Pasteur, for his able at the common law, the statute rem- researches in fermentating the grape, the of 3,000 francs to M. Gramme, for the

electrical machine bearing his name. A Gorgeous Cambling House.

The Washington Star publishes a long

sue at the common law." 1 Comyns' Di- F. Chamberlin's New Capitoline Clab House at the capital of the nation. It is, says the Star, the most elaborate and spautes have words like the following, in de cious gaming house and restaurant in the mry shall determine whether any claimant ing to be compared with it as to splendor | the Thames were as on former occasions lined with a and elegance. It is the same house for-"The Collector shall pay over and dis- merly rented by the English minister, and also an interesting description of the games and gambling utensils. Poker is me of the games played, but difficult to learn, for a young man of fortune resident here told the reporter "that it cost him the opinion that our Statutes authorize an Lapham vs. Almy, 13 Allen, 301; Sawyer \$20,000 to play it, and he had not learned t yet." We are not well enough versed n these sort of things to point out the difference between "gaming" and "gambling." In fact we are green enough to believe there is no difference at all. At 'gaming" ceases and "gambling" berins. But we know that, if young men can lose \$50,000 at poker, it matters little whether you call it gambling or gaming in drafting the Morrill bill, against our

innocent pleasures-for instance of enjoy-

ment on Sanday of a glass of beer, etc.,

while they omitted every allusion to gam-

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BROWN AND WHITE COTTONS, DENIMS,

WOOLLENS, LINENS, VELVET RUGS,

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Blood, Wolfe & Co's India Pale Als. pts and qts. BALL TICKETS, Bars & Co's India Pais Ale, pints and quarts, Grange Bitters. Toys, Books, Piano Fortes!

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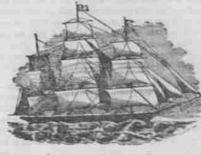
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Garibaldi in Rome.

It would seem that Garibaldi considers his warlike rvices ended. With some apparent hesitation, he accepted the position his countrymen gave him as a member of the Italian Parliament, with a sort of proviso that he should not be expected to attend all its sittings. He went to Rome, received a perfect ovation from his fellow-countrymen, and what is some thing surprising, accepted the profered friendship of the King. Meeting him in response to the invitation, he told Victor Emanuel that he had not come to Rome to stir up any more revolutions or disturbances. His ambition now is to reform Rome by a system of judiclous engineering. He would bring old Rome back to something of her former glary. He would change the course of portions of the Tiber, clean out its chan nel and so recover many valuable relies of the older times—although this is not the object of what he proours effect a thorough drainage of the city, and of the Campagna, that source of death and disease, and by other means also, put an end to the malaria that has proved so fatal to those attempting to live in these sections during certain seasons of the year. He has found Italy fairly on the road of regeneration, and seems disposed in the pursuits of peaceful deeds to wind up his active, adventurous and signally disinter ested life. His proposition for improvement, physical ly, of Rome and the surrounding Campagna, and other designs, have met with an enthusiastic endurse ment, and the Government ordered a scientific survey and consideration of the project. The Commissi has approved of the proposition, considering it feasi ble. Garibaldi would put Rome in condition to become a great commercial city like London, like which she is in regard to her river and the world beyond. He appears reconciled to the Italian King, has sworn has a chance of becoming as dear to the King as he has long been to the people.-Alta.

Luxues, March 20th.-The annual bost race between the Cambridge and Oxford crews took place on the course on the Thames to-day, and was won easily by the Oxfords. The weather was favorable for the boat race, though rather cold. Betting during the morning was 3 to 1 on the Oxfords. The banks of mass of people all the morning. The avenues leading to the river were periodically choked with vehicles and pedestrians, and at noon Lunden presented a deserted appearance. The spectators of the race were unprecedently numerous, and included many persons of rank and distinction. The Cambridge boat took the lead at the start, but Oxford soon overtook her and passed her, and won the race easily by ten lengths. The steering of the Cambridge boat was bad. The Cantabs rowed a quicker stroke than the Oxonians, and led to the crab tree where the dark blues drew up with them at the Hammersmith bridge. Oxford was a length ahead and maintained the lead to the end.

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